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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,479	11/20/2001	Todd D. Graham	AELL-110CP 62652-013	1151

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/989,479	Applicant(s) GRAHAM ET AL.	
	Examiner Victor Lesniewski	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/5/2002</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
|--|---|

DETAILED ACTION

1. This application has been examined.
2. The preliminary amendment filed 7/22/2002 has been placed of record in the file.
3. Claims 1-16 are now pending.

Information Disclosure Statement

4. The IDS filed 3/5/2002, the IDS filed 7/22/2002, the IDS filed 4/2/2003, and the IDS filed 8/13/2004 have been considered.
5. The cited document number 6,016,494 to Aharoni has not been considered because a U.S. Patent document under that number issued to Aharoni could not be found. All other documents cited by the applicant have been considered.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabne et al. (U.S. Patent Number 6,006,332), hereinafter referred to as Rabne.

8. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a method are rejected under the same rationale as applied to the described claim.

9. Rabne has disclosed:

- <Claims 1 and 9>

A dynamic file access control and management system configured to access one or more content sources including a set of files, said system comprising: A. a proxy system linked to said one or more content sources, said proxy system comprising an access control module configured to selectively obtain a file from said content sources as a function of an authorization of a user requesting said file and a set of access policies (column 7, lines 5-9 and column 8, lines 55-67); B. a rights management module configured to generate a set of usage rights associated with said file as a function of a set of predefined usage policies associated with said file for said user (column 8, lines 11-23); C. at least one client device having a client module configured to interface to a client operating system, said client module configured to selectively inhibit operating system functions with respect to said file as a function of said usage rights (column 6, lines 31-45); and D. one or more communication means, via which said file and said usage rights are provided to said client device (column 3, lines 52-59).

- <Claims 2 and 10>

The system according to claim 1, wherein said file and said usage rights are provided to said client device via different communication means (column 10, lines 34-48).

- <Claims 3 and 11>

The system according to claim 1, wherein said files are static files (column 6, lines 53-60).

- <Claims 4 and 12>

The system according to claim 1, wherein said files are dynamic files (column 6, lines 53-60).

- <Claims 5 and 13>

The system according to claim 1, wherein said communication means includes a secure transform configured to encrypt and encapsulate said file into a message as a function of a session ID and said client is configured to extract said file from said message (column 7, lines 10-19).

- <Claims 6 and 14>

The system according to claim 1, wherein said proxy system further includes a user interface, configured to facilitate creation and editing of said access policies and said usage policies and association of said access policies and said usage policies with said files (column 18, lines 20-32 and 50-67).

- <Claims 7 and 15>

The system as in claim 1, wherein said client device is a device from a group comprising: 1) a personal computer; 2) a workstation; 3) a personal digital assistant; 4) an e-mail device; 5) a cellular telephone; 6) a Web enabled appliance; and 7) a server (column 6, lines 31-45).

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- <Claims 8 and 16>

The system of claim 1, wherein said proxy system and at least one of said content sources are hosted on the same computing device (figure 1b, item 22).

Since all the limitations of the invention as set forth in claims 1-16 were disclosed by Rabne, claims 1-16 are rejected.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Stefik (U.S. Patent Number 5,715,403) disclosed a system for controlling the distribution and use of digital works having attached usage rights.
- Franklin et al. (U.S. Patent Number 6,105,069) disclosed licensing attributes utilized by executables to control access by a user to properly licensed resource objects.
- Katz et al. (U.S. Patent Number 6,560,651) disclosed a computer network based library and information delivery system for accessing and obtaining selected digital information files.
- Putzolu (U.S. Patent Number 6,578,076) disclosed a method by which a condition relating to a network resource is evaluated and in response instructions are generated for managing access to the network resource.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2155



BHARAT BAROT
PRIMARY EXAMINER